

# 1998 KENTUCKY STATE PLANNING REPORT

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## **A. BACKGROUND**

### **1. PLANNING REPORT PARTICIPANTS.**

Although there have been many participants and contributors over the years in planning for the comprehensive delivery of legal services to the poor in Kentucky, those organizations directly responsible for contribution to, and preparation of, this report are as follows: Access to Justice Foundation (AJF); Office of Kentucky Legal Services Programs, Inc. (OKLSP); Appalachian Research and Defense Fund, Inc. (ARDF); Central Kentucky Legal Services, Inc. (CKLS); Cumberland Trace Legal Services, Inc. (CTLIS); Legal Aid Society (LAS); Northern Kentucky Legal Aid Society, Inc. (NKLAS); and Western Kentucky Legal Services, Inc. (WKLS). Other substantial contributors include the Kentucky IOLTA Program and the Kentucky Bar Association (KBA) Donated Legal Services Committee.

AJF, formerly known as Kentucky Lawyers for Legal Services to the Poor (KLLSP) is a Kentucky non-profit corporation with a board of directors drawn primarily from the private bar in the state of Kentucky and established in 1996 to seek expanded funding and other support for legal services to low income persons in Kentucky. AJF receives no LSC funds, but has been very successful in obtaining additional state funding, not only for LSC funded programs, but for an expanding role for the Foundation, in providing additional support services for LSC funded programs, as well as more limited specialized services to clients on a statewide level.

OKLSP is a Kentucky non-profit corporation established in 1977 as a state support organization for LSC funded programs in Kentucky. With the withdrawal of LSC funding in 1996, the program consists of one part-time staff person who continues to provide coordination for substantive law task forces, communication of regulatory and legislative information, and policy analysis and information. OKLSP is also funded entirely with non-LSC funds, but its board of directors is comprised primarily of directors, staff persons and clients from LSC funded programs.

The remaining six principals are the six regional programs that receive LSC funding. ARDF receives both basic field funding and migrant funding. NKLAS is the product of a consolidation of NKLAS and Northeast Kentucky Legal Services, Inc. (NEKLS).

### **2. KENTUCKY STATE PLANNING PROCESS.**

Kentucky's LSC funded programs have collaborated for many years to enhance client services and to conduct state support services needed to increase the effectiveness of client services. Existing programs were directly involved in the establishment of OKLSP in 1977 and in the establishment of expansion programs at CKLS, CTLS, and WKLS, in the late 70's. Directors of LSC funded programs have continued to meet at least quarterly over the last 21 years in order to collaborate and plan effectively for delivery of client services throughout the state. Much of that history was detailed in the Kentucky State Plan for the comprehensive delivery of legal services to the poor which was submitted to the Legal Services Corporation in 1995.

In accordance with that plan, the Kentucky Bar Association (KBA) and AJF sponsored a Symposium on the Survival of Legal Services for the Poor: the Role of the Private Bar and Pro Bono, conducted on October 14, 1996, in Lexington, Kentucky. The sixty symposium presenters and participants were representative of the KBA, the Kentucky Judiciary, local bar associations, local boards of directors, and private attorneys and legal services representatives from around the state. That symposium led to establishment of broad based work groups for enhanced funding for legal services to the poor and for enhanced involvement of the private bar in delivery of legal services to the poor. The workgroup on funding included legal services board members and directors, AJF staff and board members, and many other supporters, who were able to secure an initial appropriation of \$500,000 from the state legislature in 1996, and succeeded in the last General Assembly in securing annualized funding of \$1,500,000 for civil delivery of legal services to the poor. Also, as was suggested in that document, NKLAS and NEKLS began a series of discussions that ultimately led to the merger/consolidation of the two programs into one.

Programs have continued to collaborate on efforts to enhance funding for legal services, and as new funding sources are developed, distributions are made to the regional programs based on poverty population. IOLTA, filing fee, and AJF revenue are all distributed in this fashion. Largely because of a shortened time frame for applications, the programs decided this year to undertake individual applications for VAWAGO grants, but only after a statewide telephone conference among the programs, including OKLSP, AJF, and the Kentucky Domestic Violence Association (KDVA). Every effort is made to collaborate on funding other than for local funders, such as United Way.

Following the Symposium, the legal services directors conducted a follow-up retreat, where further collaborative activities were undertaken, some protocols were established for referral of client cases between regional programs, for continuation of the work of task

forces across the state, continuing planning for state support functions, for unrestricted activities, and for continuing communication regarding other centralized activities or functions that might be undertaken. AJF subsequently published a new statewide directory which included a listing of current program priorities for each program, for handy staff desk reference.

The LSC program letter 98-1 provided an incentive for a broad discussion of state planning around focused activity areas. In response to this letter, LSC funded providers initiated a facilitated state planning meeting in Lexington, Kentucky on April 22, 1998. This meeting was designed to address both LSC Program Letter requirements and the use of new money from the Kentucky General Assembly Appropriation for the biennium. The CTLS Director attended a KBA sponsored retreat for Kentucky Pro Bono Coordinators and others involved in donated legal services delivery in Kentucky in order to assure coordination of planning with that larger group.

Several of the Kentucky directors also met with Dick Clay, the incoming KBA President, on May 18, 1998, to discuss the planning process and the involvement of the private bar in the comprehensive plan for delivery of legal services to low income persons in Kentucky.

The planning session was continued at the regular quarterly OKLSP Board Meeting in Lexington on May 20, 1998, and continued again to June 3, 1998, with another facilitated state planning meeting in Lexington. At that time, planning participants presented draft responses to the seven Program Letter focus areas, in accordance with previous assignments.

Most of the LSC funded program directors were also present for the Kentucky Bar Association Convention in Lexington on June 18, 1998, and attended an AJF Board breakfast, which included a full discussion of potential uses of new state appropriation money. This discussion was followed again by a planning meeting in Lexington on July 1, 1998, and a meeting of the directors in conjunction with the Southeast Project Directors= meeting in St. Petersburg Beach, Florida, on July 14, 1998.

The assembled and completed draft was then reviewed at another Director=s retreat on August 21, 1998, in Lexington, Kentucky. The draft proposal was reviewed on August 22, 1998, at the AJF Board of Directors= meeting in Lexington, and a final draft was then prepared and disseminated to a broader audience, including the KBA President, the Chair of the Donated Legal Services Committee, all members of legal services= boards of directors, all members of the AJF Board of Directors, the Director of the IOLTA Program, selected members of the judiciary and local bar associations, and to the LSC consultant. The draft report was also distributed to legal services staff throughout

the state in conjunction with the statewide legal services conference at Faubush, Kentucky held on September 8-10, 1998. This conference was attended by numerous legal services staff and directors, representatives of AJF, by the KBA President, Dick Clay, by Dennis Stutsman, the KBA Client Assistance Director, and by John McKay, the LSC President. The draft report was considered by conference participants, and input from all reviewers and participants was reviewed at a public meeting in Lexington on September 26, 1998. Further comments were solicited at the quarterly meeting of the Kentucky Bar Association Public Interest Law Section in Frankfort on October 14, 1998, revisions were incorporated as appropriate, and a final report was approved for submission to the Legal Services Corporation.

## **B. PLAN OBJECTIVES AND IMPLEMENTATION**

### **1. PLAN OBJECTIVES**

This plan report projects the implementation and/or accomplishment of the following objectives by December 31, 2000:

**a.** A statewide needs assessment conducted, with establishment of uniform priorities and case acceptance and referral guidelines, subject to stated regional differences, as appropriate. Model outcome measures based on the uniform priorities will be available for optional use.

**b.** A model telephone intake system, with standard computer generated fact sheets and forms will be implemented statewide. A computerized information system for counsel, advice, and referral services will be available to all intake personnel.

**c.** A web site will be available to legal services staff and private attorneys, offering training materials, a poverty law brief bank, sample pleadings, and links to other appropriate web sites. All case handlers in Kentucky will have desktop access to e-mail and the Internet.

**d.** Appropriate community education materials will be available for all 22 field offices, with statewide application.

**e.** Limited assistance will be available to clients through AJF for cases or matters not appropriate for LSC funded program representation.

**f.** Eight poverty law trainings will be offered each year for legal services staff and pro bono attorneys. Training materials will be available on CD-Rom.

**g.** Quarterly meetings of all substantive law task forces

and the technology group will be conducted to encourage and facilitate collaborative work. Both the Planning Committee and the pro bono coordinators will continue to meet at least quarterly for collaboration and plan implementation.

**h.** A statewide pro bono conflicts panel will be available, if feasible.

**i.** Compatible case management and timekeeping reporting will be in place statewide.

**j.** Fundraising and fund distribution will continue to be coordinated on a statewide basis.

**k.** The Planning Committee will continue to explore other collaborative efforts, such as uniform personnel policies, personnel administration, salaries, technology, accounting software and procedures, bulk purchases, research materials, and joint audit contracts.

## **2. PLAN IMPLEMENTATION**

Implementation of this plan is the responsibility of the OKLSP Board of Directors, consisting of six regional Directors, three staff representatives, and three client representatives. Others who are actively involved in overall implementation are a pro bono coordinator representative, the AJF Director, and the OKLSP Director. The following will be involved, as needed: the IOLTA Director, the KBA Donated Legal Services Committee Chair, regional Board members, AJF Board members, pro bono coordinators, the Technology Group, substantive law task forces, and the training committee.

## **C. LSC PROGRAM LETTER RESPONSES**

**1. HOW ARE INTAKE AND DELIVERY OF ADVICE AND REFERRAL SERVICES STRUCTURED WITHIN THE STATE? WHAT STEPS CAN BE TAKEN TO INSURE A DELIVERY NETWORK THAT MAXIMIZES CLIENT ACCESS, EFFICIENT DELIVERY AND HIGH QUALITY LEGAL ASSISTANCE?**

**a.** What currently exists?

### Overview

Intake, referral and delivery of civil legal assistance in Kentucky is conducted through the six regional legal services programs in the state. In accordance with LSC regulations, each program has developed priority and case acceptance policies which reflect client needs and each service area=s resources.

Due to the diverse nature of Kentucky=s geography,

client population, and judicial systems, programs have employed a variety of strategies in client intake and delivery of referral and other brief services. Client access to in-person legal assistance is dramatically different in rural Appalachia than in urban Louisville.

Despite differences in program priorities, there is a definite statewide trend toward greater use of telephonic intake systems and technology. Over the last few years, several Kentucky Legal Services Programs have implemented telephonic intake systems for delivery of brief services such as referral and advice. Several members of the Kentucky Legal Services community have attended conferences on telephonic intake and referral systems and have shared this information with other programs.

Clients' first contact with Kentucky Legal Services Programs is typically by telephone. Trained receptionists or eligibility counselors inquire as to case type and conduct financial screening and conflict checks. Clients with routine legal problems, or those needing only information or advice, are referred to attorneys with expertise in the applicable legal area. In most programs, these clients are referred immediately to an attorney or an attorney promptly returns messages or voice mail. Program attorneys often resolve simple matters over the telephone without the necessity of clients traveling to a full-time office.

Referrals are routinely made by receptionists or eligibility counselors to other applicable service providers when legal problems are not within program parameters. Referrals are also made to non-legal service providers when appropriate. Each of Kentucky's legal services programs have developed procedures for providing intake and assistance to clients who do not speak English. The State's Migrant Worker's Project has Spanish speaking staff. Regional programs utilize staff with foreign language skills, bilingual university staff or other volunteers, or contract with organizations like the Refugee Assistance Centers to provide translation assistance. Kentucky Legal Services Programs provide intake and access to deaf and hearing impaired clients through use of TDD and hearing application devices.

#### Client Access

Kentucky Legal Services Programs recognize the access barriers facing low-income clients. Kentucky is extremely diverse in terms of geography and population. Despite LSC funding cuts in 1996, the total number of attorney staffed field offices has not been reduced. Statewide there are 22 full-time legal services offices and an additional 8 part-time outreach sites.

Kentucky Legal Services Programs have begun to utilize telephonic intake systems to more efficiently provide counsel, advice and referral services to clients. Each program has toll-free telephone service for clients. Telephonic systems have been particularly helpful to clients with transportation and mobility problems. Programs publicize telephonic services to elderly, disabled, and other special client populations.

Each of the six regional legal services programs coordinates pro bono activity within its service area. Private attorneys often provide counsel and advice to clients in substantive areas in which program staff lack sufficient expertise.

#### Specialization

Kentucky Legal Services Programs, particularly those in rural areas, face the competing clients' needs of having general practitioners who are able to provide a full range of civil legal assistance in the area, and the need for in-depth expertise of specialists. Kentucky Programs have addressed these competing needs by developing substantive task forces in the areas of consumer law, family law, housing, and welfare and health.

Attorneys and paralegals throughout Kentucky contact leaders of the various task forces for information and assistance on substantive legal issues. Usually, the case handler with the initial client contact will respond to clients after obtaining information from substantive experts. This allows case handlers to take into account local judicial practices. In some cases, clients are referred directly to task force specialists.

OKLSP has published a listing of task force chairpersons, members, and a list of each legal service attorney and their areas of expertise. This information facilitates case handlers finding specialists in various substantive areas and in making referrals to specialists in other offices.

Kentucky Legal Services Programs have collaborated on referral and advice in several specialty areas. Programs have coordinated with the Access to Justice Foundation to develop a statewide toll-free hotline to provide information and referral for disabled children threatened with losing SSI benefits. The Foundation also coordinates a separate statewide toll-free number for counsel and advice to elderly clients.

Kentucky Programs coordinated the development of a Migrant Workers' Project. This Project is operated by ARDF which provides migrant services throughout the state. ARDF also houses a mine safety project which accepts cases statewide.

## Technology

Each Kentucky regional program has obtained specialized case management software to more effectively serve clients. These systems allow for single input of client data, perform conflict checks, and facilitate consistent eligibility determinations. Some offices provide clients with computer generated information sheets on various legal topics.

All Kentucky regional programs utilize computerized case management software to accurately track and report case services. Information from these systems allows programs to determine the cost and effectiveness of various services. Pro bono programs use computerized management systems to make consistent and fair referral to private attorneys and to track and monitor volunteer services.

## Oversight and Follow Up

Each Kentucky regional program evaluates intake, advice, and referral systems. Program managers use computer reports to ascertain the type and number of requests for services, and how requests were handled. Several Programs employ surveys to measure the effectiveness of services provided to clients.

In Kentucky=s current funding environment, case efficiency alone is not enough. Several funding sources now require programs to develop outcome objectives and measures. Kentucky Legal Services Programs are in the process of developing case management records that measure the impact services have made in the lives of clients. Outcome objectives have focused on self-sufficiency, domestic violence prevention, housing conditions, and health care.

- b.** Assess the strengths and weaknesses of the current approach.

Kentucky Legal Services Programs have traditionally viewed intake issues on a program rather than statewide basis. This view developed in part because LSC regulations mandate that needs assessment, priorities, and case acceptance guidelines be developed by each program.

The strength of Kentucky=s current intake systems reflect the advantages of regional programs being responsive to the distinct needs of clients within various regions. For example, rural programs have maximized clients= physical access to full-time or outreach offices because many rural poor do not have access to telephones. Urban areas are more likely to utilize telephonic intake where clients are more likely to have access to telephones and less likely to have access to a car.



While program-based intake systems may best meet local client needs, Kentucky programs recognize that coordination of intake procedures can increase efficiency and reduce differences in case acceptance between service areas. The challenge for Kentucky is to devise a coordinated intake process that maximizes efficiency without sacrificing responsiveness to distinct client needs. Listed below are strengths and weaknesses of the current intake system.

**(1) Strengths:**

- (a)** Programs maintain flexible intake systems which are responsive to client needs that vary by geographic region.
- (b)** Intake and brief services are centralized within regional legal services programs, and programs have begun to utilize telephonic intake systems.
- (c)** Each program has toll-free telephone services, and Access to Justice Foundation has developed toll-free statewide hot lines for special populations, including disabled children and elderly individuals.
- (d)** Programs have maintained a high number of full-time offices and outreach sites.
- (e)** Programs have balanced the need for general practitioners with the need for legal specialists, and specialized substantive information is available through an active task force system.
- (f)** All programs utilize computerized case management systems to evaluate and monitor intake functions.
- (g)** Kentucky programs have developed statewide inter-program referral policies, and programs share case acceptance information on a statewide basis.
- (h)** Statewide projects coordinate services for migrant workers and injured mine workers.

**2. Weaknesses:**

- (a)** Limited statewide coordination of intake and referral systems.

- (b) Limited coordination of program technology relating to intake referral and brief services.
  - (c) Limited statewide coordination of program priorities.
  - (d) Have not yet addressed statewide outcome objectives or measures.
  - (e) No mechanism to review and evaluate intake and brief services on a statewide level.
- c. Establish goals to strengthen and expand services to eligible clients and steps and timetable necessary to achieve these goals.
  - (1) **Goal:** Enhance coordination of intake, referral and brief services throughout the state.

**Activities:**

(a) The State Planning Committee will develop a report on steps designed to maximize client access to services and increase the quality and quantity of referrals and brief services. This plan will address the needs of special populations including those with disability, linguistic and mobility barriers. Timetable: December 31, 1999.

- (2) **Goal:** Coordinate technology to strengthen client=s access to intake systems and to improve the quality of brief services.

**Activities:**

(a) AJF will develop a Kentucky Legal Services web site which provides substantive legal information and referral resource information. Timetable: December 31, 1998.

(b) The NKLAS Director will collaborate with OKLSP, AJF, and substantive task force chairs to develop a model telephonic intake system which offers alternatives to clients who have problems in gaining access to telephone services. This model will be designed for statewide use and will include provisions for evaluation of effectiveness of the system. Timetable: October 31, 1999.

- (c) The NKLAS Director and AJF will develop a

computerized information system for counsel, advice, and referral services designed for legal services intake personnel. Timetable: December 31, 1999.

(d) OKLSP and substantive task force chairs will develop computer generated fact sheets and forms for statewide use. Time frame - December 31, 1999.

(3) **Goal:** Initiate a statewide needs assessment and priorities process to enhance coordination of inter-program case acceptance.

**Activities:**

(a) The ARDF Director and AJF will formulate and implement a statewide needs assessment plan. Timetable: April 30, 1999.

(b) The LAS Director will develop a statewide priorities report, with case acceptance guidelines. Timetable: October 31, 1999.

(4) **Goal:** Address development of statewide outcome objectives and measures.

**Activity:**

In conjunction with the statewide priorities process, the directors of CTLS, NKLAS, and AJF will determine the feasibility of statewide outcome objectives. These objectives may be incorporated into the statewide priorities report. Timetable: April 30, 1999.

**2. IS THERE A STATE LEGAL SERVICES TECHNOLOGY PLAN? HOW CAN TECHNOLOGICAL CAPACITIES BE DEVELOPED STATEWIDE TO ASSURE COMPATIBILITY, PROMOTE EFFICIENCY, IMPROVE QUALITY, AND EXPAND SERVICES TO CLIENTS?**

**a. What Currently Exists.**

**Overview**

The six Kentucky regional programs, AJF, and OKLSP have only recently begun a collaborative effort directed toward achieving compatible statewide technology capacities. Each program has appointed a technology person (TP) who has knowledge of internal technological capacity and the authority to implement program upgrades directed toward statewide compatibility. Each program has

agreed to establish technological compatibility as a program priority and has agreed to allocate an appropriate amount of the annual program budget to technological upgrades.

The TP=s met for the first time as a group at the Kentucky statewide conference at Faubush on Wednesday, September 9, 1998. The charge of the task force or group was to devise a state technology plan directed toward uniform and compatible statewide application for implementation by the participating programs. The TP=s will meet no less than quarterly, either in person or by telephone conference to share knowledge, best practices, report on planned implementation in their program, and to continually update the technology plan.

Every case handler in each of the 22 field offices presently has the option of a desktop computer, but with varied skills and abilities to use it effectively. All offices with more than five persons presently are networked internally. Every regional office has access to e-mail and Internet connectivity; several of the field offices do not presently have that capability. Although most staff members have access to e-mail and the Internet, many staff do not yet have that capability at their desk.

Four of the regional programs use the same case management software; two do not. All software presently in use supports case reporting, intake, and timekeeping.

Historically, technology training and support has been locally based, although AJF and OKLSP have, at times, offered some limited training in technology at the statewide conference and other training events. The TP task force is charged with making recommendations for training and support in this area, whether offered locally or on a statewide basis.

Community legal education and pro se materials are not presently available on a web site in Kentucky.

Telephone intake and advice systems in each of the 22 offices offer toll free telephone lines and advanced telephone systems, and the technological infrastructure is appropriate to those systems. All offices utilize case management and entry and conflict checking.

Prior to loss of state support funding, OKLSP had maintained an up-to-date brief and pleading bank and other materials available to case handlers throughout the state, much of it accessible by computer. The Chair of the Consumer Law Task Force has developed Consumer Law materials available electronically and on disk, and AJF is presently developing a web site for legal services programs in the state and a domestic violence practice manual that will be available electronically and on disk. All case handlers have

ready access to legal research tools on CD rom, and most offices have access to the Internet and legal research tools available electronically. Electronic communications among case handlers within each office is readily available, but some of the 22 field offices do not have access to the Internet and e-mail, and present electronic communication among case handlers is very limited in Kentucky.

PAI recruitment, training, and case handling will be greatly enhanced through utilization of technology. The completion of the web site by AJF, with a link to updated pleadings and a brief bank from OKLSP, and links to other pertinent web sites, should greatly enhance electronic communication for private attorneys, as well as legal services staff, in the Commonwealth. In Kentucky, specialty expertise in substantive law areas is centered in the legal task forces, which meet quarterly; it is anticipated that each task force will make extensive contributions to the wealth of material which will be available through the web site.

**b.** Assess the strengths and weaknesses of the current approach.

**(1) Strengths:**

**(a)** A committed workgroup of TP=s, with strong support from regional directors, and a commitment to place a high priority on coordination of technology efforts throughout the delivery system.

**(b)** All case handlers in all 22 offices have the option of desktop computers, 486 or higher, with internal networking for all offices with five or more case handlers.

**(c)** Each regional office has made a commitment to acquire adequate technology training and support to achieve statewide compatibility of systems, and each program has agreed to budget an appropriate amount of total funds each year for periodic replacement or upgrading of hardware and software.

**(d)** All field offices have advanced telephone systems, hardware, and networking, to support efficient intake and advice systems, with appropriate case management support.

**(2) Weaknesses:**

**(a)** Some case handlers in the 22 field offices do not fully utilize desk top computers, although most are using their desktop for word processing. Although each regional office has at least one computer with e-mail and Internet connectivity, some of the 22 field offices do not currently have such capability, and some case handlers in the state do not have external e-mail access at

their desk, although such access is usually available within the field office. The case management software is not uniform throughout the state, and case management software is not used uniformly for case reporting, intake, and timekeeping.

(b) Kentucky programs do not presently have a web site, and community legal education and pro se materials are not available electronically.

(c) A computerized brief and pleading bank and other materials are presently not available to case handlers throughout the state, and many case handlers do not have access to the Internet for legal research, although all field offices presently have at least CD-Rom legal research tools available internally. External electronic communication among case handlers is virtually non-existent.

(d) Technology presently is not used to support PAI recruitment, training, or case handling.

c. Establish goals to strengthen and expand statewide technological capacities.

(1) **Goal:** Development of a statewide plan for coordination of program technology efforts, with provision for regular plan updating.

**Activities:**

(a) The TP group which met at the statewide conference in September will continue to meet quarterly and will prepare a technology plan designed to achieve compatible systems throughout the state. The plan will have specific recommendations for individual regional program action and appropriate timetables for achievement. Regional directors will institute appropriate budgetary adjustments for implementation of the plan. The TP group will produce the plan by June 30, 1999.

(2) **Goal:** Full access to e-mail and Internet or all case handlers at their desk.

**Activities:**

(a) Each regional office director will establish e-mail and Internet connectivity for each of the 22 staff field offices. Timetable: December 31, 1998.

(b) Each regional office director will make available desktop access for all case handlers in all offices. Timetable: December 31, 2000.

(3) **Goal:** Adequate technology training and support.

**Activities:**

(a) The TP group will make recommendations for technology training and support adequate to the needs of the statewide delivery system. Timetable: December 31, 1998.

(b) The statewide training committee will incorporate the recommendations of the TP group into the training plan for the state. Timetable: January 31, 1999.

(c) Regional directors will allocate sufficient training budgetary resources to support training as recommended by the TP group, and will support recommended local training for case handlers, as well as support staff. Timetable: Annually.

(4) **Goal:** Electronic availability of community legal education and pro se materials for low income persons and social service providers.

**Activities:**

(a) AJF and regional directors will explore with state and local bar leaders and the state and local judiciary the potential for implementation of pro se materials for clients. Timetable: Ongoing. Planning Committee to offer status report at Statewide Conference: September 2, 1999.

(b) Regional directors and task force members will assist AJF in the preparation of community legal education materials for incorporation in the AJF web site. Timetable for initial completion of the web site: December 31, 1998. Development of community legal education materials for electronic use: December 31, 1999.

(5) **Goal:** Electronic access to adequate electronic legal research tools and electronic communications among case handlers, both within programs and externally.

**Activities:**

(a) OKLSP will provide its brief and pleading bank, with assistance from substantive law task forces as needed, and make same available for linkage to the AJF web site for availability to legal services and PAI case handlers throughout the state. Timetable: December 31, 1998.

(6) **Goal:** Case handler access to electronic legal research on the Internet.

**Activities:**

(a) Each regional director will assure that all program field offices have access to the Internet. Timetable: December 31, 1998.

(b) Regional directors will assure that each case handler has desktop access to the Internet. Timetable: December 31, 2000.

(7) **Goal:** Effective use of technology for support of private bar involvement efforts.

**Activities:**

(a) AJF will implement a web site for use of all private practitioners in Kentucky. Timetable: December 31, 1998.

(b) AJF and regional directors will advertise and promote the web site in the private attorney community, and will actively utilize the site for PAI recruitment, training and other communication with interested parties. Timetable: Ongoing.

**3. WHAT ARE THE MAJOR BARRIERS LOW INCOME PERSONS FACE IN GAINING ACCESS TO JUSTICE IN THE STATE? WHAT EFFORTS CAN BE TAKEN ON A STATEWIDE BASIS TO EXPAND CLIENT ACCESS TO THE COURTS, PROVIDE PREVENTIVE LEGAL EDUCATION AND ADVICE, AND ENHANCE SELF-HELP OPPORTUNITIES FOR LOW INCOME PERSONS?**

**a. What Currently Exists.**

According to the final report of the KBA sponsored 1993 Kentucky civil legal needs study, approximately 30% of all Kentucky households with incomes below 125% of the federal poverty level reported some legal problem, yet only 39% of those reporting



legal problems sought assistance from legal services or another source. The report finds that the exceptionally low rates at which the poor seek legal assistance with civil legal problems is an indication that there is a significant need for legal education to help the poor understand their rights.

Several barriers to the civil justice system exist for the low-income people in Kentucky. They include: not enough legal services staff attorneys or pro bono attorneys to meet the demand for services; lack of understanding by low-income people of their legal rights; lack of understanding by low-income people of how the civil justice system works; no coordinated statewide system for providing community legal education information; and lack of transportation and telephones in rural areas.

Client community educational materials have not been coordinated on a statewide basis since federal funding for state support ended in 1996. Before 1996, the LSC-funded state support office, OKLSP, received a small IOLTA grant to produce community legal education materials on energy assistance programs, the E.P.S.D.T. program for children, and education issues. These brochures were distributed to all legal services program offices.

Since 1996, AJF has gradually been able to undertake some community legal education efforts as its limited budget and staff allow.

AJF and Kentucky regional legal services programs recently coordinated with the ABA and the Social Security Administration to provide information for families with disabled children facing termination of SSI benefits. AJF designated a statewide toll-free hotline for these families to call for information on the appeals process or referral to legal assistance. The Social Security Administration published the hotline number in all of its communication with Kentucky families at risk. AJF also collaborated with field program staff in developing a client education brochure about the SSI appeals process, customizing the brochure for each legal services program office and the counties served by that office. The brochures were provided to legal services program offices and regional mental health providers. The outreach was successful and generated a number of requests for assistance with SSI appeals to the hotline and to legal services programs.

The policy analyst at OKLSP also provides educational opportunities for client groups on topics related to welfare and health issues by making presentations at their regular meetings around the state.

The development of pro se materials on a statewide basis is in its infancy in Kentucky. There is no present consensus

among bar leaders and the judiciary to support pro se development. For example, in Fayette County, Lexington, Kentucky, some limited pro se forms have been developed by local judges, but the local bar association has voted to strongly oppose further initiatives.

Significant collaborative links with the Supreme Court, the Kentucky Bar Association, local bar associations, the Administrative Office of the Courts, and clerks= associations must be forged with the legal services community to make pro se materials a meaningful tool for low-income people.

Alternative dispute resolution (ADR) programs exist in the three largest urban areas in the state. Some other areas of the state also have private mediators who offer services on a pro bono basis for low income persons.

**b. Strengths and weaknesses of the current approach.**

**(1) Strengths:**

**(a)** AJF and regional directors have a strong commitment to exploration of pro se and ADR possibilities and to development of community education through statewide collaboration.

**(b)** AJF has expanding resources and the ability and commitment to take the lead in coordination of these efforts as they relate to community education and pro se.

**(2) Weaknesses:**

**(a)** Community education materials, information and instructions are not presently developed on a coordinated statewide basis.

**(b)** Pro se materials presently are not widely available in Kentucky, and there presently is no widespread support for pro se initiatives in the Kentucky Bar and Judiciary.

**C. Goals to Strengthen the Present Delivery System.**

**(1) Goal:** To increase access to community legal education information.

**Activities:** OKLSP and AJF will address regular meetings with statewide substantive task forces to identify topics for community legal education outreach efforts; develop information in both English and Spanish; explore various media for getting the information to clients (written, television public service announcements, radio programs); collaborate with other points of contact in communities including churches, libraries, domestic

violence shelters, governmental agency offices, grocery stores, to distribute the information as widely as possible; and the timetable for all of these: Ongoing with status review at Statewide Conference September 2, 1999.

**(2) Goal:** To support ADR and pro se initiatives from the KBA and Kentucky Supreme Court.

**Activities:**

**(a)** AJF will coordinate any input from regional legal services offices on pro se initiatives that come from the bench or bar. Timetable: Ongoing.

**(b)** Regional directors will continue to support and encourage local efforts for development of pro se materials. Timetable: Ongoing.

**(c)** Regional directors will continue to work to promote client accessibility to free and appropriate ADR services. Timetable: Ongoing.

**4. DO PROGRAM STAFF AND PRO BONO ATTORNEYS THROUGHOUT THE STATE RECEIVE THE TRAINING AND HAVE ACCESS TO INFORMATION AND EXPERT ASSISTANCE NECESSARY FOR THE DELIVERY OF HIGH QUALITY LEGAL SERVICES? HOW CAN STATEWIDE CAPACITIES BE DEVELOPED AND STRENGTHENED TO MEET THESE NEEDS?**

**a. What Currently Exists.**

AJF provides annual bar certified CLE training events targeted specifically to laws affecting low-income people and special populations, such as the elderly. AJF provides both substantive and hands-on skills training for both legal services and the private bar.

In 1997, AJF coordinated five CLE events, including two regional events. During June, AJF hosted the 6th Circuit Social Security meeting, bringing together nearly 50 advocates throughout the 6th Circuit to discuss issues such as SSA Redesign and the new Disability Standards for Kids. In July, AJF coordinated the Southeast Project Directors Association Summer Meeting, which included 100 participants from a 10-state region. The agenda included sessions on statewide technology, health care and current LSC regulations.

In January 1998, Access to Justice Foundation coordinated a Basic Lawyer Skills Training for new legal services attorneys in Kentucky, Tennessee and Arkansas. This was a week long interactive training, consisting of lectures and demonstrations on

necessary trial skills and preparation. Mock trials were held on the final two days of training, with participants serving as attorneys and witnesses. Members of the private bar served as trial judges, while community volunteers played the role of jurors. The training provided participants an in-depth look at all aspects of a trial. The Fayette County Bar Association contributed \$1,000.00 to help support this training.

Recently, AJF presented training on recent changes in Kentucky child custody law. Primarily members of the private bar attended this training. The training was provided free of charge, and participants were asked to take a custody case pro bono during the year. Over half the participants offered their time and agreed to provide service at no cost.

Over the past several years, the Legal Aid Society Volunteer Lawyers Program and the University of Louisville Law School have sponsored a basic consumer law CLE in five locations across the state. These events were open to all, but they were free to volunteer attorneys. The KBA Donated Legal Services Committee has sponsored CLEs at the annual Convention on housing law and mandatory pro bono. Whenever a regional legal services program offers a public CLE, volunteers from any other program may attend free if they commit to the required number of pro bono cases.

The KBA annually offers several CLE training opportunities, including a free two day law update conducted in eleven locations around the state.

The three state law schools offer several CLE opportunities annually, as do many local bar associations.

Training is available nationally through NLADA, NCLC, NOSSCR, NSCLC, National Academy of Elder Law Attorneys, National College of District Attorneys, and locally through some national providers, such as National Business Institute.

Regional programs usually open in-house trainings to staff from other programs.

Legal work and some training is presently coordinated through substantive law task forces in the areas of health and welfare, consumer law, family law and housing law. Task force quarterly meetings are scheduled by OKLSP, and Task Force Chairs prepare the agenda for meetings and coordinate issue identification and any collaborative litigation.

Task force chairs are generally available to legal services staff and pro bono attorneys for case evaluation and strategizing. Such consultations are usually conducted by telephone.

In addition to task forces, periodic meetings are coordinated for domestic violence attorneys and Elderlaw attorneys across the state, and for pro bono coordinators who meet often to address statewide program needs.

**b. Strengths and Weaknesses of the Current Approach.**

**(1) Strengths:**

**(a)** AJF employs a Training Coordinator who focuses on statewide training design and coordination.

**(b)** Kentucky has a very strong training advisory committee. This committee consists of legal services attorneys and other staff throughout the state that meet annually to devise the training calendar for the year. These committee members have a strong commitment to low-income issues and make it a priority to identify staff needs and statewide issues that need to be addressed through training.

**(c)** Training participants receive relevant training materials for each training session they attend.

**(d)** The KBA, state law schools and local bar associations sponsor appropriate trainings for legal services staff and readily offer support and joint sponsorship for appropriate trainings.

**(e)** Kentucky has good systems in place to coordinate and promote joint legal work and expert assistance for staff and pro bono casework.

**(f)** Strong substantive law task forces play a major role in program staff training.

**(2) Weaknesses:**

**(a)** One area of concern is the number of private bar members involved in trainings. While that number has risen in recent years, in both the planning and design process and actual training attendance, private bar participation is not as high as we would like. We would like to see trainings used as a recruiting tool to encourage the private bar to become involved in pro bono work.

**(b)** Another present weakness is the limited number of experienced legal services advocates actively involved in training.

**(c)** Kentucky's system for coordination of legal

work and access to expert assistance electronically is limited and should be improved.

**C. Goals to Strengthen and Expand Capacities.**

- (1) Goal:** Increase training opportunities for legal services staff and pro bono attorneys, with expanded participation by private lawyers and experienced legal services advocates.

**Activities:**

**(a)** AJF plans to provide timely trainings on hot issues in the legal community. For instance, the Kentucky child custody laws changed during our legislative session, and AJF provided training in June. Participants appreciated the opportunity to hear the new case law discussed so soon after it went into effect. Timetable: Annually.

**(b)** AJF plans to offer training materials on its web site. This will allow private attorneys to have instant access to pertinent materials on topics of interest. In addition, we hope this will encourage attorneys to attend future trainings offered by AJF. Offering training materials via the Internet would also allow new hires to legal services to obtain the materials during their first few weeks on the job. Timetable: December 31, 1998 and ongoing.

**(c)** Another approach to increase private attorney involvement that the AJF plans to initiate is to provide training materials on CD-Rom. Following the training event, participants will receive a CD-Rom containing all training materials, including case law relevant to that topic. This will allow the material to be updated so that it will remain current. It will also allow for faster research, taking away the time of looking through manuals and replacing it by simply pulling it up on the computer. Timetable: Ongoing.

**(d)** Increasing the number of trainings offered each year is another priority. AJF plans to hire additional staff, to coordinate these trainings. With the new hires, AJF plans to increase the number of trainings offered in 1999 from 5 to 8, therefore broadening the scope of trainings offered. Timetable: Completion by December 31, 1999.

**(e)** AJF is currently creating a Domestic Violence Training Manual on CD-Rom. This CD-Rom will allow users to search and find specific case law and forms through a searchable database at the click of a button. These CD-Roms will be distributed at Domestic Violence Trainings to be held in 1998. Timetable: October

31, 1998.

- (2) Goal:** Offer and disseminate information about significant legal developments to advocates in a timely manner.

**Activities:**

**(a)** Link AJF web site to relevant web sites.  
Timetable: December 31, 1998.

**(b)** OKLSP policy analyst to provide information as to current poverty law developments to AJF for web site input.  
Timetable: Ongoing.

**(c)** OKLSP will coordinate 16 substantive law task force meetings in 1999. Timetable: December 31, 1999.

**(d)** Task force chairs to provide relevant information for web site as to ongoing collaborative work issue developments. Timetable: Ongoing.

**(e)** All other legal services staff will be encouraged to contribute current information to the web site.  
Timetable: Ongoing.

**5. WHAT IS THE CURRENT STATUS OF PRIVATE ATTORNEY INVOLVEMENT IN THE STATE? WHAT STATEWIDE EFFORTS CAN BE UNDERTAKEN TO INCREASE THE INVOLVEMENT OF PRIVATE ATTORNEYS IN THE DELIVERY OF LEGAL SERVICES?**

**a. What Currently Exists.**

There are currently approximately 1,950 volunteer attorneys who offer their services to clients of the six regional programs. In 1997, volunteer attorneys closed out 2,093 cases.

All six regional LSC funded programs have at least one pro bono component, with ARDF additionally supporting a contract attorney program for many of the rural Appalachian counties.

PAI programs are administered regionally, for the most part, with significant assistance from local offices, as needed. However, three of the largest county programs are jointly administered with local bar associations, and those volunteer lawyers identify their work primarily with local bar activities, rather than regionally or statewide.

Referred cases are primarily in the areas of family law, but volunteer lawyers are encouraged to accept both traditional

poverty law cases of all types and cases in non-traditional areas such as zoning, tax, contract law, real estate, complex litigation and non-profit corporation law, as well.

Regional legal services programs are the point of initial contact for most clients who are referred to volunteer lawyers, so most referred cases are consistent with regional service priorities and most involve work beyond simple advice.

The pro bono coordinators for the regional programs meet regularly. This may expand to include the directors of the LSC-funded regional programs at least once or twice a year to further coordinate the relationship between staff and volunteer programs. In addition, most pro bono coordinators are members of the Donated Legal Services Committee of the Kentucky Bar Association, which also meets 4-6 times per year.

Over the last several years the Donated Legal Services Committee has produced two statewide videos primarily for the Kentucky Bar Association District Bar meetings which offer free Continuing Legal Education (CLE) over a two day period in eleven locations across the state. Each District Bar meeting includes someone on the agenda showing the video and speaking about pro bono opportunities and passing out a statewide recruitment brochure printed for this purpose. These videos have also been used during the rest of the year in other venues to promote pro bono activities. Most of the coordinators frequently speak at community gatherings and law firms using the videos.

Regional PAI program components participated in the SSI for Kids project of the ABA and AJF. This was done together with one statewide 1-800 number to facilitate referrals. Educational materials and announcements were put together on a statewide basis by AJF and the Louisville Bar Association.

Training events are another means of statewide PAI collaboration, as was indicated in the response to Question 4.

Statewide recruitment letters have been sent to members of the KBA Family Law Section with assistance from the Section chair. Statewide recruitment of court reporters also has occurred.

**b. Strengths and Weaknesses of the Current Approach.**

**(1) Strengths:**

**(a)** A strong commitment to PAI by all six regional programs.



(b) Strong support of pro bono from the KBA leadership, the Kentucky Supreme Court and local bar leaders throughout the state.

(c) A good support network for pro bono recruitment and administrative support through regional pro bono directors and coordinators.

(d) Strong relationship between the KBA and AJF.

(e) Strong bond between the regional directors and the IOLTA Foundation leadership.

(f) Strong connectivity among regional directors, pro bono directors and local bar leaders in key areas of the state.

(g) A good history of cooperative training efforts with the private bar at both state and local levels.

(h) Strong relationships between regional programs and the three state law schools.

(i) An institutional public service program at the Brandeis School of Law at the University of Louisville.

(j) Volunteer attorneys are recognized for their work at the state bar level and through many local bars with public recognition and awards.

**(2) Weaknesses:**

(a) There is currently no statewide conflicts panel, and availability of legal assistance in cases or matters involving work that is inappropriate for LSC funded programs is limited.

(b) Limited statewide recruitment of volunteers.

(c) Recruitment of volunteer lawyers in some rural areas is difficult.

(d) A web site is not available presently for PAI recruitment, training and support.

**c. Goals to Strengthen and Expand Services**

**(1) Goal:** Maximize cooperation in recruitment, training, utilization, recognition and retention of volunteer attorneys and non-attorneys.

**Activities:**

(a) Regional pro bono coordinators will continue to meet together and with others, such as the Donated Legal Services Committee, the regional directors and AJF as needed. Timetable: Ongoing, but with an activity report update available for the next statewide conference, September 2, 1999.

(b) This group will make recommendations to the AJF training committee for PAI training needs. Timetable: December 31, 1998.

(c) This group will continue to explore possibilities of statewide recruitment of volunteer lawyers and non-lawyers, coordinating with AJF. Timetable: Ongoing.

(2) **Goal:** To enhance client access to legal assistance in matters involving conflicts of interest or cases or matters not appropriate for LSC funded programs.

**Activities:**

(a) AJF and the pro bono coordinators will explore opportunities to create a statewide pro bono conflicts panel. Timetable: Ongoing, but report on status at next Statewide Conference, September 2, 1999.

(b) Subject to availability of resources AJF will devise some form of intake and provide limited assistance or pro bono referral for clients needing help with cases or matters not available through the regional programs. Timetable: March 31, 1999.

(3) **Goal:** To enhance electronic communication opportunities for volunteer lawyers for recruitment, training and other support.

**Activities:**

(a) AJF will establish and maintain a web site for these and other purposes, as described earlier. Timetable: December 31, 1998.

6. WHAT STATEWIDE FINANCIAL RESOURCES ARE AVAILABLE FOR LEGAL SERVICES TO LOW INCOME PERSONS WITHIN THE STATE? HOW CAN THESE RESOURCES BE PRESERVED AND EXPANDED?

a. What Currently Exists?

Filing Fee Surcharge. In 1994, Kentucky legal

services programs were successful in obtaining a filing fee surcharge to support civil legal services for the poor. The legislative campaign was coordinated by OKLSP and involved members of the private bar, legal services program board members, and the judiciary. Filing fees have been generating approximately \$1.2 million annually since then. The fees are collected by the clerks' offices and distributed directly to LSC-funded programs by the Administrative Office of the Courts. The fees are distributed monthly based on the number of poor people in each judicial district served by a legal services program.

State Appropriation. In 1996, AJF coordinated legal services board members and staff in a successful legislative campaign to secure a state appropriation to offset federal budget cuts to LSC-funded programs. The legislature appropriated \$1 million over the biennium for the provision of legal services to the poor and providing and arranging pro bono representation. The appropriation went to the Access to Justice Foundation, which distributed the funds quarterly to LSC-funded programs in a pro rata formula based on poverty population. The legislature imposed no restrictions on these funds other than prohibiting lobbying on any issue related to abortion.

In 1998, a similar campaign resulted in an increase in the state appropriation to \$3 million for the biennium for legal services. The campaign involved the six legal services programs, program board members, the private bar, Access to Justice Foundation board members, local bar associations, the judiciary, and the Kentucky Bar Association. The distribution of the funds and the restrictions remain the same as in the previous state appropriation.

IOLTA. All regional programs receive IOLTA funding, with approximately \$500,000.00 distributed annually. Most of these funds are allocated to civil legal needs of the poor, and funding to regional programs is awarded based on poverty population.

Older Americans Act/HCFAs. All regional programs receive these funds through local area development districts for services to the elderly.

VAWA. Several awards have been secured from the State Justice Cabinet for domestic violence representation. These have been distributed by local offices, rather than regional awards. All regional programs have applied for VAWAGO money, with at least one successful application. The decision to apply individually, by region, was a collaborative decision by regional programs. Three programs also have collaborative grant applications with local spouse abuse agencies for VOCA funding.

United Way. This is a major funding source for three regional programs, but provides more modest funding for the

others.

Bar Campaigns, Donations, and Dues Checkoffs. This has been most successful in Louisville; other regional programs have had some limited local success with either or both.

LSC. All six regional programs receive basic field grants, distributed by population. ARDF receives a Migrant grant of \$34,173.00

Department of Health and Human Services. AJF has been awarded a \$100,000 grant for the current federal fiscal year for implementation of an elder law hotline.

Other. Three regional programs receive funding to support an Ombudsman program, one receives some local community development money, and all receive various donations of space or equipment, as well as volunteer services. Urban programs receive city and/or county support, as well.

**b. Strengths and Weaknesses of the Current Approach.**

**(1) Strengths:**

**(a)** Regional programs have a long history of collaboration for shared fund raising efforts.

**(b)** Statewide funding has historically, by agreement, been shared among programs based on poverty population.

**(c)** Each regional program has developed a strong regional political base for support of state funding efforts.

**(d)** Regional board members and directors, and the AJF Director and Board effectively advocate for state funding.

**(e)** The current state KBA President supports a state bar dues checkoff for legal services.

**(2) Weaknesses:**

**(a)** Local fund raising is difficult in rural areas.

**(b)** Federal funding through LSC has been unstable, inadequate, and unpredictable.

**(c)** Local political support has not translated to support at the federal level from most of the Kentucky Congressional delegation.

(d) Although LAS has a development staff person, Kentucky has no statewide strategy for enlisting broad based community support for fund raising outside the legal community.

(e) AJF and several special projects, such as the Migrant Project and the Mine Safety Project need to diversify their core funding for greater stability. Other projects, such as advocacy for energy programs for low income clients, go unfunded.

**c. Goals to preserve and expand resources.**

**(1) Goal:** to preserve and expand current financial resources

**Activities:**

(a) Ongoing education of key decision-makers in the legislature, the administration, state and local bar associations, and the judiciary by local legal services programs, board members, and AJF are essential for preserving and, hopefully, expanding the state appropriation in the next legislative session. Time table: Ongoing.

(b) This state fiscal year, the AJF will begin compiling information about the types of problems legal services programs and AJF have helped low-income people solve, including the number of cases handled and, if feasible, the outcome for the client. This information will be used to educate members of the Interim Joint Appropriations Committee about the tremendous need for civil legal representation and the real difference state funds can make for poor persons, both in direct representation and in leveraging the involvement of volunteer lawyers in every community.

Kentucky has been successful in securing two significant sources of state funding in recent years. However, these funds are always at risk when the political climate changes. Continual communication with local and state officials is essential to maintain awareness of the need for access to the civil justice system in order to protect these funding sources. Timetable: June 30, 1999, but continuing.

(c) AJF will continue to work with LSC, NLADA, and other national partners, as well as supporters within the state, to influence the Kentucky Congressional delegations to support increased funding for LSC, Timetable: Continuing.

(d) The current President of the Kentucky Bar Association has indicated an interest in a state bar dues check-off for legal services. The CTLS Director will determine the feasibility of such a campaign, with appropriate recommendations to the Planning

Group for implementation. Timetable: Feasibility determination: December 31, 1998. Implementation - March 31, 1999.

**(2) GOAL:** Diversifying and expanding funding sources for legal services and special projects, like energy advocacy and the Kentucky Mine Safety Project, over the next two years is a goal for the legal services programs and the AJF. Foundation grants and corporate support for statewide projects need to be identified and secured so that such projects and the AJF are not totally reliant upon state or other limited base core funding.

**ACTIVITIES:**

**(a)** AJF will seek to identify new funding opportunities for AJF and other special projects. Timetable: Ongoing.

7. WHERE THERE ARE A NUMBER OF LSC-FUNDED PROGRAMS AND/OR THE PRESENCE OF VERY SMALL PROGRAMS, HOW SHOULD THE LEGAL SERVICES PROGRAMS BE CONFIGURED WITHIN THE STATE TO MAXIMIZE THE EFFECTIVE AND ECONOMICAL DELIVERY OF HIGH QUALITY LEGAL SERVICES TO ELIGIBLE CLIENTS WITHIN A COMPREHENSIVE, INTEGRATED DELIVERY SYSTEM?

**a. What Currently Exists?**

Kentucky is a large state stretching from the Appalachian Mountains to the Mississippi River some 400 miles long and nearly 200 miles wide at its widest point. It has 120 counties. It has distinct geographical and cultural regions. For example, ARDF serves all Kentucky's Appalachian counties in Eastern Kentucky. Its priorities have included coal mining issues that are unique to the region. The LAS of Louisville is the largest urban program. It serves a higher percentage of African American clients than the other programs. Its priorities have focused much more on housing and community economic development, than have the programs which are predominantly rural.

Kentucky has no small programs, particularly following the merger of NKLAS and what was formerly Northeast Kentucky Legal Services. There are now six regional programs, each serving a population that identifies with the program and geographic area served. There are 22 local offices in the state, offering exceptional access for the low income population.

Regional programs have a history of statewide collaboration on all fronts, dating back more than 21 years; that collaboration has intensified with the loss in federal support in 1996, the creation of AJF to strengthen program capacities, collaboration to oppose a merger that was based on a flawed competitive process, and collaboration to support one that promoted some efficiency without significant sacrifice of political support or regional identity.

Each of the six programs represents distinct geographic regions of the state. They have been configured to some extent to keep Area Development Districts within program boundaries. There are fifteen Area Development Districts in Kentucky that are quasi-governmental entities which engage in planning but also administer Title III and HCFA grants that all the LSC programs receive. While there are a few instances where the same Area Development District must deal with more than one LSC program, they are minimal.

Additionally, the judicial circuits in Kentucky break out well under the present configuration so that with rare exceptions, judges have only one LSC program serving their circuit.

Kentucky has been well served by the existing configuration. It is not by accident that regional programs receive more state dollars per poor person than any state in the south (with the exception of Florida which is more of an urban state than the remaining states in the region). The success of an extraordinary collaborative fund raising effort over the past decade is based in significant part upon the existing configuration of the regional field programs. At any one time there are more than 120 persons and 80 attorneys on local program Boards who hail from all parts of the state. When you add in ex-Board members, this number is at least 350-400, and when you add in all who have participated in pro bono in their local program, in the aggregate they form a significant political base. This base may be a fragile one if the present configuration is disrupted in a major way. Every program has supporters who are sometimes critical of Alegal services@ in a general sense who are loyal to the goals of Atheir own program@. These people are valuable allies in the never ending struggle for survival and increased funding. It is unlikely that Kentucky would be a leader in the South in providing funding for civil legal services to the poor if its structural history had been a statewide program.

Since the demise of LSC funding for state support, most state support functions have been preserved. OKLSP, jointly funded with non-LSC money by the regional programs, continues to function as a coordinator of task forces (Family, Housing, Public Benefits, and Consumer). It further provides sophisticated analysis

on poverty policy issues (especially on health law and public benefits law).

Each year, the programs jointly plan and most of their employees attend a statewide conference where the task forces report on the prior year=s work and develop a work plan for the upcoming year. Some of the training at this event is designed to cut across job description lines so support staff can be a vital part of the statewide delivery effort.

AJF provides substantive law training on poverty law issues. Each program sends one or more representatives to the Training Committee meeting in the beginning of the year which sets the training agendas for the upcoming year. As discussed previously, AJF coordinated collaborative funding initiatives and recently assisted OKLSP with statewide coordination of the regional programs seeking VAWAGO grants.

Additionally, AJF will soon provide a statewide elder law intake hotline which will refer elder law cases to the regional programs. It will also fund an attorney to handle cases inappropriate for an LSC program to handle and develop a protocol for referral of clients presenting these legal problems to the regional programs.

**b. Strengths and Weaknesses of the Current Approach.**

**(1) Strengths:**

**(a)** The present system is designed to offer broad, prompt, and even access to legal services.

**(b)** The state delivery system is designed and configured to maximize effective, high quality legal services to clients throughout the state, with appropriate coordination of work, training, and access to information and expertise.

**(c)** The configuration of programs within the state facilitates coordination of resource development efforts.

**(d)** The configuration facilitates strong coordination and collaboration with, and a high degree of involvement by, the private bar.

**(e)** The configuration of programs facilitates efficient, ongoing assessment of demographic trends, changes in laws, and public programs affecting low income persons.

**(2) Weaknesses:**

**(a)** The present program configuration



complicates coordination of use of technology.

(b) The present program configuration no doubt duplicates some resource and administrative costs, but merger experience in Kentucky indicates only modest financial savings from consolidation.

c. Establish Goals to Maximize Service Delivery.

(1) **Goal:** To improve coordination of technology.

**Activities and Timetable:** See Question 2.

(2) **Goal:** To continue to explore collaborations to reduce administrative costs.

**Activities:**

(a) The CKLS Director will address such collaborations as uniform policies on personnel, administration, salaries, technology, uniform accounting software and procedures, centralized purchases, sharing of research materials, and joint audit contracts. Timetable: Ongoing, but status review by June 30, 1999.

(3) **Goal:** To maximize use of any new monies available statewide, such as expansion of funding from LSC or the State.

**Activities:**

(a) Regional directors, AJF and OKLSP will collaborate prior to budgetary allocation of any new money available statewide, whether LSC or other new money, to consider special project needs that benefit clients statewide.

(b) Regional directors, AJF, and OKLSP will continue to collaborate in addressing grant applications for new money that comes available to the State for regional programs.

(c) Timetable for above: Ongoing.

**D. Conclusion**

Kentucky has a history of strong regional programs with broad based collaboration, and local support has been a catalyst for raising large amounts of non-LSC funding. Despite funding and political adversity, the regional programs have been able to continue to operate an integrated and comprehensive delivery model because they have always done whatever is necessary to maintain a strong state support system. These efforts must and will continue, strengthened by ever increasing collaboration of LSC funded providers

with other key actors in the legal services delivery system.